IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 19342 of 2004

Between:

M/s Switches and Switchgears, Represented by its Partner-K.K. Kishore,S/o.K.K. Narayana, Aged about 37 years, R/o.4/A, B.K. Guda, Sanjeeva Reddy Nagar, Hyderabad.

..... PETITIONER

AND

1 A.P.T.R.A.N.S.Co., represented by its Chairman and M.D., Vidyuth Soudha, Somajiguda, Hyderabad.
2 Northern Power Distribution Company of A.P Ltd., represented by its Chairman and Managing Director, A.P.N.P.D.C.L., Opp: REC Petrol Pump, Hanumakonda, Warangal.
3 The Chief General Manager P&O/NPDCL, Northern Power Distribution Company of A.P. Ltd., H.No.1-1-504, Opp: REC Petrol Pump, Hanumakonda, Warangal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the letter No.CGM/P&O/NPDCL/Wgl./P2/D.No.3786/04, dt.31.08.2004, issued by the respondent No.3, is as arbitrary, illegal, violating of Principles of natural justices.

Counsel for the Petitioner: MR.V.VENKATA KUMAR

Counsel for the Respondents: SMT.M.VINOBHA DEVI, SC for AP Transco

The Court at the stage of admission made the following Order:

The petitioner seeks a writ of Mandamus declaring the letter dated 31-08-2004 issued by the third respondent-A.P.T.R.A.N.S.Co., Hyderabad, as arbitrary and illegal.

A perusal of the impugned letter dated 31-08-2004 shows that the petitioner, with whom a work order was placed earlier ,for supply of fabricated materials, could not supply the required quantity as required by the respondents in the purchase orders within the time prescribed, in spite of the repeated notices issued. In the circumstances, the petitioner was intimated that if the materials are not supplied within seven days from the date of receipt of the impugned letter, the petitioner firm will be black listed in addition to intimating the poor performance to all Discoms and A.P.T.R.A.N.S.Co. It was also stated that the matter will be reported to the Industries Department of A.P. to cancel SSI unit permission to the petitioner firm.

Having heard the learned counsel for the petitioner, and the learned Standing Counsel appearing for the respondents, and on perusal of the material on record, I am of the view that as on today, there is no order, which affects the rights of the petitioner. The impugned letter appears to be a notice, calling upon the petitioner to commence the supplies as per the purchase orders. Hence, the writ petition itself is premature. Moreover, obviously the matter does not involve enforcement of any statutory right and the issues raised for adjudication in the writ petition are essentially founded on a dispute between the parties, pursuant to a contract entered

in between them. The law is well settled that such dispute, which involves enforcement of contractual obligations, is not amenable to the writ jurisdiction.

In the circumstances, I am of the view that the petitioner cannot maintain this writ petition under Article 226 of the Constitution of India.

Accordingly, the writ petition is disposed of granting leave and liberty to the petitioner to work out the appropriate remedy as available under law. No costs.

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27-10-2004

kdl

To

1 The Chairman and M.D., A.P.T.R.A.N.S.Co., Vidyuth Soudha, Somajiguda, Hyderabad.

2 The Chairman and Managing Director, Northern Power Distribution Company of A.P Ltd., A.P.N.P.D.C.L., Opp: REC Petrol Pump, Hanumakonda, Warangal.

3 The Chief General Manager P&O/NPDCL, Northern Power Distribution Company of A.P. Ltd., H.No.1-1-504, Opp: REC Petrol Pump, Hanumakonda, Warangal.

4 Two CD copies.